SHRI RAJEEV SHUKLA: Madam, two Special Economic Zones have been sanctioned by the Ministry of Commerce. One is in Tamil Nadu and another in Gujarat. I want to know from the hon. Minister what progress has been made so far with regard to these two SEZs, because, I was told that in Gujarat, even the land has not been sanctioned.

SHRI ARUN JAITLEY: Madam, as far as one in Gujarat is concerned, that is, Positra SEZ, the Central Government had granted both, an in-principle approval on 3/7/2000 and the formal approval has also been granted by the Central Government on 15th February, last year. Acquisition of land is what is to be done by the joint venture company, which was proposing to set up that particular zone. The Central Gvoernment is not in any way concerned, as far as the land is concerned. As far as Tamil Nadu is concerned, the in-principle approval has been granted by the Central Government. The request for a formal approval has not come.

*168. [*The questioner (Prof. Saif-Ud-Din Soz) was absent. For answer vide* page *48*].

*169. [*The questioner (Shri Suresh Pachouri) was absent. For answer vide* pages 48-49].

*170. [*The questioner (Shri Surendra Lath) was absent. For answer vide* pages 49-51].

*171. [*The questioner (Dr. A.K. Patel) was absent. For answer vide* page *51-55*].

Review of Legal Services Authorities (Amendment) Act, 2002

*172. SHRI RANGANATH MISRA:†
DR. T. SUBBARAMI REDDY:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government have ruled out review of the Legal Services Authorities (Amendment) Act, 2002, designed to establish a permanent Lok Adalat as an additional forum to litigants for resolution of their disputes with certain public utility services;

†The question was actually asked on the floor of the House by Shri Ranganath Misra.

(b) if so, whether these Adalats have been helpful in reducing the pending cases with the Courts;

(c) whether keeping in view its importance and quick decision, the Government are now considering to have these Adalats permanently in almost all the States; and

(d) if so, by when, the final decision in this regard is likely to be taken?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY): (a) There is no proposal to review the Legal Services Authorities (Amendment) Act, 2002.

(b) Till the quarter ending 30.9.2002 the Lok Adalats have settled about 1.45 crore cases, thereby reducing the burden on courts. Similarly these permanent Lok Adalats are expected to help reduce the pendency further.

(c) and (d) Under Section 22B(1) the Central Authority or, as the case may be every State Authority shall by notification establish permanent Lok Adalats. All State Governments/UT Administrations, Chief Justices of High Court and the State Legal Services Authorities have already been requested to take necessary steps for setting up such permanent Lok Adalats.

SHRI RANGANATH MISHRA: The real point for consideration is whether Lok Adalat jurisdiction is consent based jurisdiction or it is with the authority of the State. That has not been touched and I would like the hon. Minister to kindly answer.

SHRI ARUN JAITLEY: Would you kindly repeat it?

SHRI RANGANATH MISRA: Whether Lok Adalat jurisdiction is a consent based jurisdiction, or it is a jurisdiction in exercise of the State's power of omnipotency.

SHRI ARUN JAITLEY: Madam, originally, Lok Adalats were earlier being held under just the consensual jurisdiction, the courts would either refer matters to the Lok Adalats, or parties themselves would go before Lok Adalats. After the National Legal Services Authority Act was enacted, Lok Adalats were essentially by consent. However, in the year 2002, the

Parliament having passed a legislation in relation to the permanent Lok Adalats in public utilities, there are matters which now can be brought before the Lok Adalats in relation to the public utilities by one party, and those would be either settled in the first instance by consent or by settlement. If that is not possible, there would also be an adjudication done by Lok Adalats.

SHRI RANGANATH MISHRA: That takes away the right to appeal. Therefore, if it is a consent jurisdiction, then, how is the right of appeal taken away?

SHRI ARUN JAITLEY: Madam, one of the reasons why a right of appeal was not provided in this law was, one of the objects of the Lok Adalat was to make sure that the number of cases themselves comes down. It is open to parties still only in matters of public utilities, to invoke the civil jurisdiction of the courts; they are free to invoke consumer forums and they are free to invoke even the writ jurisdiction of the courts. In all these jurisdictions, they would always have a right to appeal. But instead of spending time and years altogether when, under these jurisdictions the parties choose to have them settled before the Lok Adalats which exist in public utilities, then since it is either settlement or adjudication by the Lok Adalat, perhaps both the Houses of Parliament, when they passed the law, felt that in such a case to provide for an appeal itself may not be a correct remedy. However, if there is some order where there is a jurisdictional error even in adjudication as the hon. Member would know, obviously the remedy of article 226 would be available.

DR. T. SUBBARAMI REDDY: Madam, I am happy at the Minister's reply, which he had given on 30th September, 2002, that the Lok Adalats had settled about 1.45 crore cases, which is really phenomenal. So, I would like to know from the hon. Minister, if 1.45 crore cases could be settled in a quarter of 2002, then, if all the States had permanent Lok Adalats, where will we stand and how many cases would be settled in future? Secondly, if it is such a good thing, then why had all the lawyers gone on strike against the Legal Services Authority Amendment Act, 2002? Almost everybody has gone against the Supreme Court judgement.

SHRI ARUN JAITLEY: Madam, the experiment of Lok Adalat which was started in 1980's, as I mentioned has proved to be a highly successful experiment and till today we have been able to settle over 1.45 crore

cases only through Lok Adalats. Now, if we see the total number of arrears which are pending in the subordinate courts in the country, which is about two crores, it, therefore, appears that this mechanism of Lok Adalat needs to be encouraged so that people instead of litigating only in courts could also have disputes settled by this alternative dispute redressal mechanism. I cannot offhand give figures how many cases in future are going to be settled by this mechanism. But, once, this system of permament Lok Adalats with settlement/adjudicatory jurisdiction in public utilities comes up, a large number of cases where citizens are harassed in matters relating to public utilities and then have to spend years together in court, they would be able to settle in a matter of a few weeks before the Lok Adalat. So, it would be beneficial step. Madam, I cannot offhand say as to why there is a section of our friends who are agitated about this. It appears, we still have to convince them about the merits of the system.

DR. T. SUBBARAMI REDDY: Madam, lawyers all over India have gone on strike....(*Interruptions*).

THE DEPUTY CHAIRMAN: One question only. Did you also go on strike?

SHRI C.P. THIRUNAVUKKARASU: Mr. Reddy, do not worry, I am continuing. Madam, Dr. Reddy pointed out that lawyers throughout India went on strike with respect to this particular Lok Adalat Amendment Act. I would like to know whether the Government is having a rethinking to amend the law in order to satisfy the lawyers who are agitating till today. Secondly, I would like to know whether you are going to constitute district-wise Lok Adalats and whether the cases which have been filed before the district munsiff courts and other courts will be transferred to the district level Lok Adalats so that it does not take a lot of time to dispose of all those cases.

SHRI ARUN JAITLEY: Madam, since disposal of the crores of pending cases is a very serious issue before the society, and the Lok Adalat is one effective methodology of resolving this problem, the Government is open to any suggestions in order to improve the working of the system. I repeat that we are open to any suggestions, which result in the improvement, as far as the system of functioning of the Lok Adalats is concerned. The members of the Bar Council of India, including its Chairman, have also met me, and I have already conveyed to them the same opinion, as far as the Government is concerned.

As far as the functional aspects are concerned, and what the hon. Member has suggested as to how they would function at the level of the districts, this will have to be operationalised by the State Governments and the High Courts in every district of the country, and if there are any suggestions with regard to the effective operationalisation of the Lok Adalats in all those districts, we will look into it. If there are any difficulties, these would be procedural matters which could, at this stage, be resolved. Our first challenge really now is to set up these Lok Adalats in public utilities so that in matters of municipalities, housing boards, insurance companies, citizens, in stead of rushing to courts and spending years there, could sort these matters out in the Lok Adalats and in the institution itself.

HIV Cases among students in Tamil Nadu

*173. PROF. M. SANKARALINGAM: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that a medical camp conducted in a school in Tamil Nadu has revealed that seven students have tested HIV-positive;

(b) if so, whether it is also a fact that 16 students of a professional college in Tamil Nadu have also been tested HIV-positive;

(c) if so, the details thereof; and

(d) whether Government would contemplate revealing of information about students testing HIV-positive so that it would act as a deterrent for students all over the country?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRIMATI SUSHMA SWARAJ): (a) to (d) A Statement is laid on the Table of the House.

Statement

In the New Indian Express, Madurai edition dated 31.1.2003, published a news item which stated that:

(i) 7 students in a school tested positive for HIV.

(ii) 16 students of a professional college tested positive for HIV.

District Collector, Madurai was requested to verify this press report.